



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/961,013	10/30/97	COLMAN	820/17

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EXAMINER
RATLIFF, R

ART UNIT
2877

PAPER NUMBER

DATE MAILED:

06/07/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/961,013

Applicant(s)

Joshua Coleman et al

Examiner

R. Ratliff

Group Art Unit

2877

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE _____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 10/30/97
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 - 50 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 - 50 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 11-14, 21-24, and 31 are rejected under 35 U.S.C. 102(b) as being anticipate by Mir.

Mir shows an analyzing fluid supplied to it through a tube comprising: an analyzing instrument within an enclosure, a first connector attached to the tube and having an end face, a second connector mating with the first connector and attached to the enclosure, a pair of optical fibers disposed inside said enclosure a first end of each of the fibers being mounted in the second connector so that when the first connector is properly mated with the second connector there is a clear path between the end face of each of the first ends of the fibers and at least one common point on the end face, a light source optically coupled to the end of the first one of the pair of fibers and a light detector optically coupled to the second end of the second one of the pair of fibers (column 4, lines 40-65)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10, 20, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mir.

Mir teaches all of the claim limitations enumerated above, but does not explicitly teach a pulse emitting light source as is recited in the instant claims. However, the utilization of such light

sources would have been obvious to one of ordinary skill in the art at the time the invention was made as a matter of design choice, and involved the mere selection of the pulse emitting light source from amongst the group of well known types of light sources in accordance with its suitability for the intended purpose.

Claims 5-9, 15-19, 25-29, and 32-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mir in view of Nava et al.

Mir shows all of the features enumerated in the above rejections but does not explicitly teach the fluorescent materials recited in the instant claims. However, such is taught by Nava et al, and its use in the Mir structure would have been obvious to one of ordinary skill in the art desiring the preventing of unwanted light reflections from being propagated further.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald A. Ratliff whose telephone number is (703) 308-4904. The examiner can normally be reached on m-f from 9:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font, can be reached on (703) 308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7721.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Rr

5/20/00


Frank G. Font
Supervisory Patent Examiner
Technology Center 2800